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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,360	04/07/2004	Melvin Pardue	1201-031/ddh	7626
21034	7590	02/14/2006	EXAMINER	
IPSOLON LLP 111 SW COLUMBIA SUITE 710 PORTLAND, OR 97201			BREAN, LAURA MICHELLE	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/820,360	Applicant(s) PARDUE ET AL.	
	Examiner Laura M. Brean	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/13/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3-6, 8 and 9 is/are allowed.
- 6) ☒ Claim(s) 2, 7, 10-12 is/are rejected.
- 7) ☒ Claim(s) 13-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/07/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/26/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in the reply filed on 1/13/2006 is acknowledged.

2. Claims 15-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/13/2006.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

In the brief description of the drawings, Figure 11 is cited as being taken from line 11-11 of Figure 10, but line 11-11 is missing from Figure 10.

Also in the brief description of the drawings, Figure 12 is cited as being taken from line 12-12 of Figure 10, but line 12-12 is also not shown.

Reference to trigger mechanism, 34, appears several times in the specification, specifically on pages 6,7,8,14 and 15, there is no corresponding reference in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The abstract of the disclosure is objected to because line 1 of the abstract states that "a folding knife incorporates a stop blade" and should be changed to -- a folding knife that incorporates a stop blade--. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities:

On page 8, line 22, "cylindrical surfaces 76 and 80" should be changed to -- cylindrical surfaces 76 and 78--.

On page 6, line 19, "cross bolt 34" should be changed to -- cross bolt 36--.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites that "the first sidewall has a diameter small than the bore in the sidewall". It is unclear whether "the sidewall" refers to the first or second sidewall as recited in Claim 1.

Claim 7 recites "the radial distance from the axis to a planar surface is represented by R and $R_0 < R_1 < R_2 \dots < R_N$." It is understood that at least two radial distances R and R_0 are claimed in reference to claim 1 reciting a "plurality of planar sides", however it is unclear if R_1 and R_2 and R_N are also positively being claimed.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 10 -12 are rejected under 35 U.S.C. 102(b) as being anticipated by Morris et al. (U.S. Patent 2,483,660), herein referred to as Morris. Morris discloses an

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attachment for mold carriers that is capable of being used as a stop pin for a folding tool comprising an elongated body (12,34,14) having a first end and a second end (as shown in Figure 2) a cylindrical outer surface adjacent the first end (14), a second cylindrical outer surface adjacent the second end (10), and a central portion (34) between said first and second cylindrical outer surfaces, said central portion (34) defined by a plurality of planar surfaces (as shown in Figure 2), a first axial bore (16) in the first end (14) having a first diameter, said first axial bore extending partially along the length of the stop pin and terminating at a shelf (as shown in Figure 1 where the threads ,16, end), and a second axial bore (beginning on the other side of the shelf) extending from said shelf at least partially toward said second end, said second axial bore having a smaller diameter than said first axial bore.

In regards to claim 11, Morris discloses that the first axial bore (16) is threaded.

In regards to claim 12, Morris discloses that the second axial bore defines a tool engaging means capable for allowing a tool inserted into the second axial bore to axially rotate said stop pin.

Allowable Subject Matter

10. Claims 1,3-6 and 8-9 are allowed.

11. Claims 2 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

12. Claims 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5,331,741 to Taylor, Jr. discloses a lever-actuated folding knife with a stop pin with a plurality of planar surfaces. U.S. Patent 5,722,168 to Huang discloses a folding knife with a stop pin with a threaded axial bore. U.S. Patent 5,964,035 to Poehlmann discloses folding knife with a stop pin with a plurality of planar surfaces. U.S. Publication 2004/0158991 to Freeman discloses a folding knife with a stop pin with concentric cylindrical surfaces. U.S. Publication 2001/0016987 to Chen discloses a folding knife with a threaded stop pin with a cylindrical central portion. U.S. Publication 2002/0104220 to Marfione discloses a folding knife with a stop pin rotatably received in a bore in the sidewalls. U.S. Patent 6,276,063 to Chen and U.S. Patent 5,794,346 to Seber et al. both disclose folding knives with "D-shaped" central portions.

U.S. Patent 6,406,240 to Potter, U.S. Patent 3,418,010, U.S. Patent 6,953,313 to Tylosky, and U.S. Patent 4,427,326 to Hobson et al. all disclose means capable of being used as stop pins for a folding tool with central portions defined by a plurality of planar surfaces.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Brean whose telephone number is (571) 272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMB
02/03/06



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